



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

May 12, 2005

To: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

SACRAMENTO UPDATE

Senate Budget Subcommittee Action

Yesterday, Senate Budget Subcommittee #4 rejected the Governor's proposal to fund juvenile crime prevention activities at \$25.0 million. Instead, the Subcommittee voted to fully fund the Juvenile Justice Crime Prevention Act at \$100.0 million, and to retain its linkage to the COPS program. The Governor also had proposed to de-link the two programs. This item is still "open" in the Assembly Budget Subcommittee. Senate action ensures that the issue will, at least, be discussed in the Budget Conference Committee.

Pursuit of Position on Election Mandates

Last week, Senate Budget Subcommittee No. 4 acted to accept the Governor's Budget proposal to suspend the mandates for Voter Registration Procedures, Absentee Ballots and Permanent Absentee Ballots. The Voter Registration mandate requires counties to have statewide, uniform voter registration procedures including mail-in registration and outreach efforts to maximize voter registration. Under the Absentee Ballot mandate, counties are required to make absentee ballots available to all who request them. The Permanent Absentee Ballot mandate requires counties to establish and maintain a list of permanent absentee voters and automatically mail absentee ballots to those voters.

Under current law, a non-education mandate is suspended when two conditions are met: (1) the Budget Act appropriates zero dollars for the mandate, and (2) the Budget Item appropriating zero dollars includes a provision specifically stating that the mandate is suspended. Suspension of a mandate eliminates the State's obligation to fund the mandate, and the obligation of counties or other local entities to perform the mandated function for the fiscal year, governed by that Budget.

In the case of these election mandates, suspension constitutes a statement by the Legislature and Governor that none of these election requirements need be administered uniformly throughout the State. The possibility that significant aspects of election law may not be administered uniformly has the potential to diminish the franchise for some voters. For example, statewide, the use of absentee ballots has been significantly increasing over the years, and the use of permanent absentee ballots jumped tenfold between 2000 and 2004. These trends, and the ongoing need for uniform voter registration procedures and registration outreach, strongly suggest that these three election mandates should not be suspended.

The State has had a statutory obligation to pay for these kinds of mandates since 1972. The importance of this obligation was elevated in 1979 when the mandate provisions of SB 90 were added to the California Constitution as Section 6 of Article XIII B (Proposition 4). These Constitutional mandate provisions were recently reinforced by Proposition 1A, which requires the Legislature to either fully fund or suspend mandates each year. Notwithstanding this clear obligation, the State has not paid counties for these three election mandates for the last three years. The Legislative Analyst estimates that the statewide obligation owed to counties for prior unpaid years for these mandates is \$40.9 million, and the obligation for FY 2005-06 is \$16.5 million. According to the Registrar-Recorder, the County's share of the FY 2005-06 funds is approximately \$3 million.

Consistent with our State Legislative Agenda which supports funding of mandates imposed on the County, **our Sacramento Advocates will work towards obtaining full FY 2005-06 funding for the election mandates in the State Budget.**

Pursuit of County Position on Legislation

AB 862 (Bass), as amended on April 21, 2005, would direct the Department of Corrections to provide information on how to modify child support orders to every inmate who is a parent of a minor. The information would include: 1) a Child Support Handbook, 2) a pamphlet entitled Child Support Information for the Parent in Jail or Prison, 3) information and forms on Compromise of Assigned Arrearages, and 4) information on services provided by family law facilitators.

Existing law allows for the modification of child support orders when a parent is incarcerated and unable to earn an income. However, this rarely occurs due to lack of information on the law and procedures.

The County Child Support Services Department (CSSD) indicates that incarcerated, non-custodial parents often accrue substantial arrearages that are virtually uncollectible, and that educating inmates, as proposed by AB 862, would help them to take advantage of the modification process to prevent the occurrence of large arrearages. CSSD also indicates that if inmates are not saddled with huge arrears, they may be more willing to resume paying current child support upon their release, and would reduce the balance of uncollectible support and help improve performance to meet Federal and State standards.

AB 862 is supported by the Legal Services for Prisoners with Children, the Voters Correction Reform Coalition, and the Friends Committee on Legislation. There is no known opposition. The bill is currently awaiting consideration on the Assembly floor.

CSSD recommends that the County support AB 862, and we concur. Support of AB 862 is consistent with existing policy to support proposals which would preserve and improve child support services. **Therefore, our Sacramento Advocates will support AB 862.**

We will continue to keep you advised.

DEJ:GK
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c: Executive Officer, Board of Supervisors
 County Counsel
 Local 660
 All Department Heads
 Legislative Strategist
 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities
 City Managers Associations
 Buddy Program Participants